



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice of Application for Permit

APPLICATION NO.: NWW-2008-141-B01

APPLICANT: Harris Family Limited Partnership, LLC

PUBLIC NOTICE DATE: August 15, 2008

21-Day Notice

COMMENTS DUE DATE: September 5, 2008

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached drawings.

APPLICANT – Harris Family Limited Partnership, LLC, 4940 East Mill Station Road, Suite 101-A, Boise, Idaho 83716. For information from the applicant, contact Mr. Doug Fowler at 208-344-1131. For information from the Corps of Engineers, contact Mr. Greg Martinez at 208-345-2154 or greg.j.martinez@usace.army.mil.

LOCATION – Wetlands adjacent the Walling Ditch, in Sections 19, 20, and 30, Township 3 North, Range 3 East, Boise Meridian, South Boise USGS Quadrangle, approximately 5 miles east of Boise, in Ada County, Idaho.

WORK – Discharge 7867 cubic yards of sand, pit run gravel fill and asphalt into 1.9 acres of cattail and sedge meadow wetlands (Sites 2 and 8) and 0.3 acre of wetland-vegetated ditches (Sites 1, 5, and 9) to construct a new access road, residential roads, and commercial and residential lot pads. This work is shown on the enclosed drawing Sheets 1 through 7.

CONSTRUCTION PERIOD - Applicant proposes to start construction in the spring of 2009 and complete work in 1 year. The permit would authorize construction for a period of 3 years.

PURPOSE – Develop Phase 1 of Harris Ranch Subdivision.

ADDITIONAL INFORMATION: The new access road would extend from Barber Road to a newly constructed section of Warm Springs Avenue. The access road would become a county road once complete.

The project would also impact a number of man-made ditches and canals constructed in uplands, including Penitentiary Canal (Wetland 6), and man made Ditches 3, 4, and 7. The applicant proposes to no longer divert water through Ditches 3, 4, and 7. Without diversion of irrigation water into them, these

ditches would carry only infrequent surface water collected from uplands. The ditches would no longer

support wetlands, and would no longer be waters of the United States regulated under Section 404 of the Clean Water Act. Approximately 750 linear feet of the Penitentiary Canal within Phase 1 would be piped and eliminated. The discharge of fill material to eliminate this irrigation ditch falls under a Section 404 irrigation exemption and does not require Department of the Army approval.

To compensate for project impacts to aquatic resources, the applicant proposes to construct 1.2 acres of out of kind scrub-shrub wetlands which would have a much higher habitat value than the present cattail/bulrush/sedge wetland. Mitigation Site A would remove an existing upland 0.1-acre berm between Wetland 1 and Wetland 2 and convert this area to scrub-shrub wetlands. The applicant would also create 0.6 acre of scrub-shrub wetlands around two constructed storm detention ponds, as shown on Sheets 4 and 5. Mitigation Site B is a vacant upland site adjacent to the Walling Ditch. This site would be excavated down from elevation 2752 to elevation 2747 to construct 0.5 acre of scrub-shrub wetlands. In March 2008, ground water data was collected at Mitigation Site B. Results showed at low flows in the Boise River, ground water at the mitigation site is at elevation 2746.9. Establishing Mitigation Site B at 2747 should ensure a self sustaining scrub-shrub wetland. At higher flows in the Boise River, the site would be inundated. Refer to Sheets 6 and 7. Additional information is contained within the April 21, 2007 wetland mitigation plan titled "Harris Ranch Phase 1 Mitigation Site Boise, Idaho". A copy of the mitigation plan may be obtained from the Boise Regulatory Office.

AREA DESCRIPTION – The project area is located in a relatively wide valley along the north side of the Boise River. The project area begins at the toe of the Boise Foothills and extends to the south towards the river. The ground slopes gently toward the river and has been used as livestock pasture land for many years. Numerous man-made ditches have been constructed across the area over the years. Irrigation water is obtained from the Penitentiary Canal and the land has been flood irrigation to maintain the present pasture lands. Water is collected at the south end of the property in various ditches and carried under Warm Springs Avenue. Irrigation water carried by Wetland Ditch 4 and irrigation water and ground water carried by Wetland Ditch 5 are collected into Wetland Ditch 1 and Wetland Ditch 3 and eventually discharges into the Walling Ditch, a tributary to the Boise River.

Wetlands 1 (0.2 acre), 2 (0.9 acre.), 5 (0.1 acre.) and 8 (0.9 acre) are composed of cattail, hard stem bulrush and various sedges and are supported by high ground water and irrigation water. All these wetlands are connected to the Walling Ditch via man-made ditches. Present livestock grazing practices have heavily degraded these wetlands. Wetland 9 which is a man-made ditch that collects and carries flow year round and discharges to the Walling Ditch is proposed to be piped in place for a distance of 300 linear feet.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT – Work as proposed would fill 1.9 acres of sedge cattail wetlands and 0.3 acre of wetland-vegetated man-made ditches.

OTHER AUTHORIZATIONS - Other authorizations obtained or requested include a conditional use permit from the City of Boise.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as

required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the IDEQ Quality, certification will be considered waived. Additionally, within 30 days of this public notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of their preliminary 401 certification decision. Comments concerning certification for this project should be mailed to: Idaho Department of Environmental Quality, Boise Regional Office, 1445 North Orchard, Boise, Idaho 83706.

CULTURAL RESOURCES - Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

ENDANGERED SPECIES - Coordination is currently being conducted with the U.S. Fish and Wildlife Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision.

Comments should be mailed to:

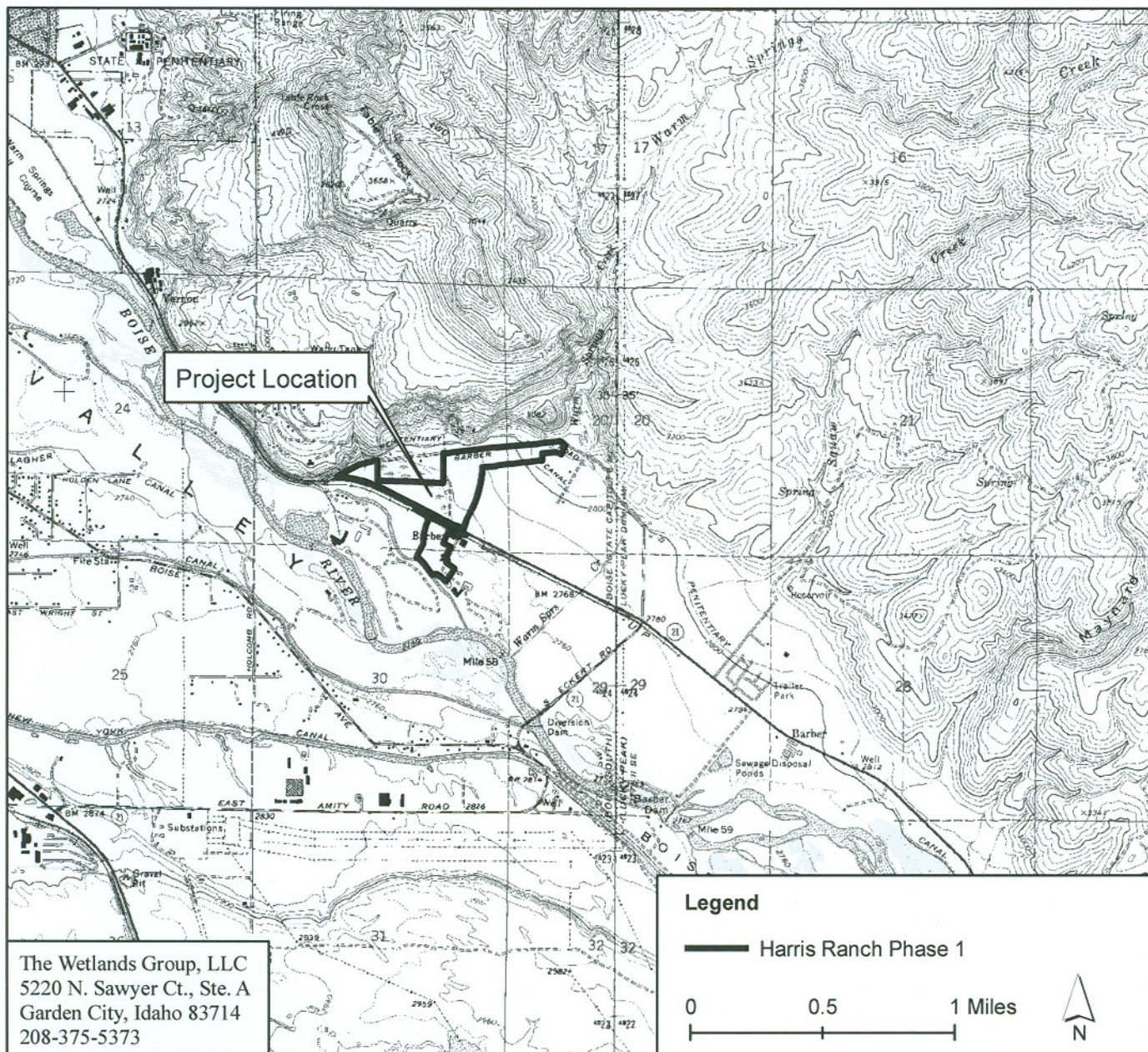
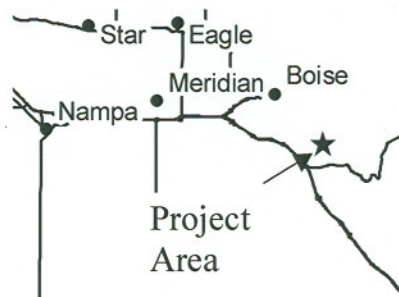
**US Army Corps of Engineers
Walla Walla District
Boise Regulatory Field Office
10095 West Emerald Street
Boise, Idaho 83704**

Comments should be received not later than the comments due date of this notice to receive consideration.

//signed//

A. Bradley Daly
Chief, Regulatory Division

BOISE, ADA COUNTY, IDAHO,
T 3 N, R 3 E, Sections 19, 20 and 30

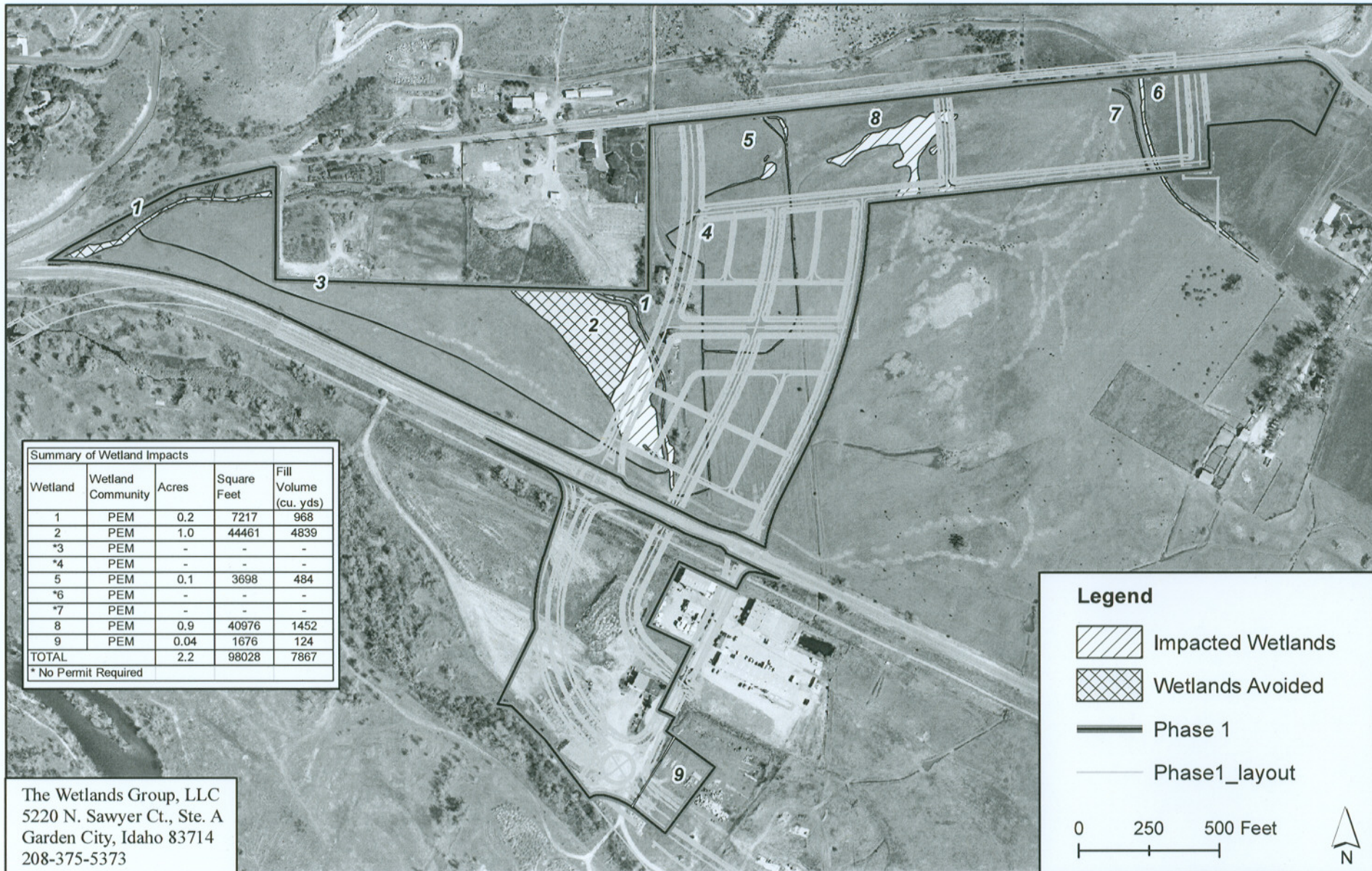


The Wetlands Group, LLC
5220 N. Sawyer Ct., Ste. A
Garden City, Idaho 83714
208-375-5373

Harris Ranch
Phase 1

Location Map


File No. NWW2008-141-B01
Applicant: Harris Family Limited
Partnership, LLC
Waterway: Boise River
Location: Boise, Ada County, ID
Sheet: 1 of 7
Date: 4/21/08



Summary of Wetland Impacts				
Wetland	Wetland Community	Acres	Square Feet	Fill Volume (cu. yds)
1	PEM	0.2	7217	968
2	PEM	1.0	44461	4839
*3	PEM	-	-	-
*4	PEM	-	-	-
5	PEM	0.1	3698	484
*6	PEM	-	-	-
*7	PEM	-	-	-
8	PEM	0.9	40976	1452
9	PEM	0.04	1676	124
TOTAL		2.2	98028	7867
* No Permit Required				

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Legend

 Impacted Wetlands

 Wetlands Avoided

 Phase 1

 Phase1_layout

0 250 500 Feet

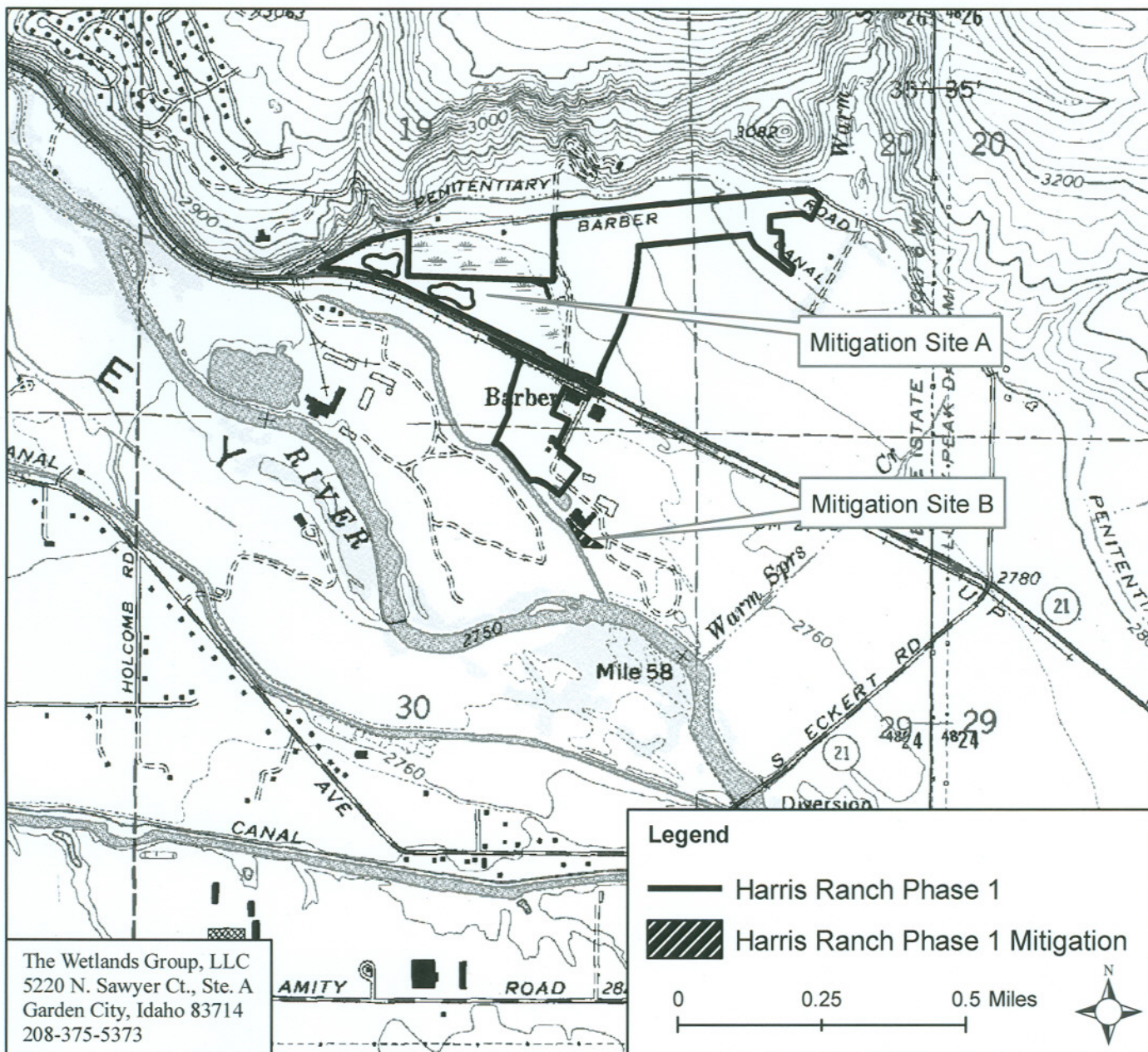
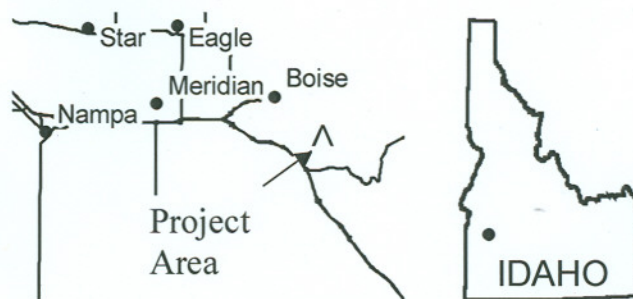


Harris Ranch
 Phase 1

Layout and Impacted
 Wetlands Map

File No. NWW2008-141-B01
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 Location: Boise, Ada County, ID
 Sheet: 2 of 7
 Date: 4/21/08

BOISE, ADA COUNTY, IDAHO,
T 3 N, R 3 E, Sections 19, 20, 29 and 30

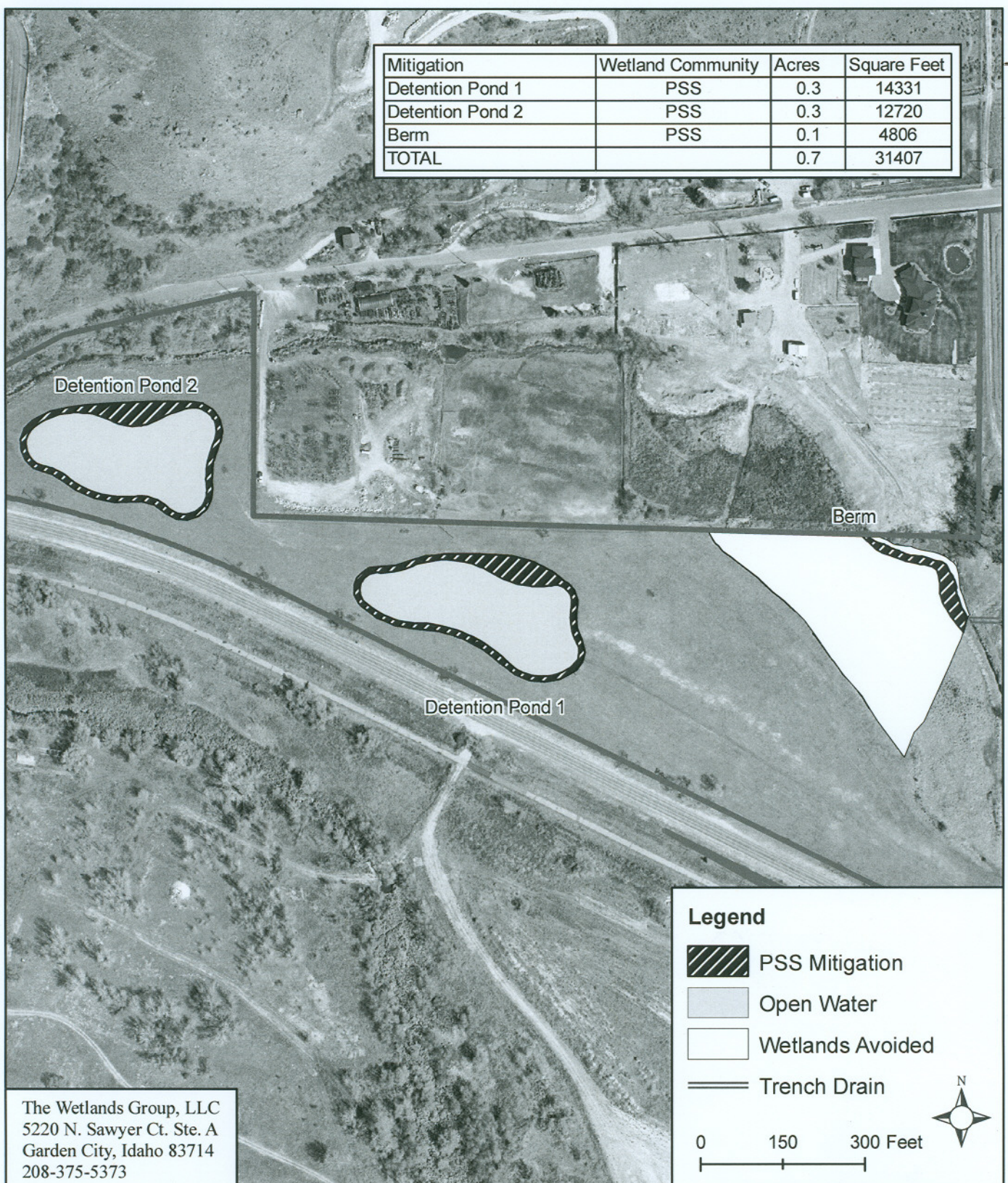


Harris Ranch Phase 1
Mitigation Site A and
Site B

Mitigation Site
Location Map

File No. NWW2008-141-B01
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Partnership, LLC
Waterway: Boise River
Location: Boise, Ada County, ID
Sheet: 3 of 7
Date: 4/21/08

Mitigation	Wetland Community	Acres	Square Feet
Detention Pond 1	PSS	0.3	14331
Detention Pond 2	PSS	0.3	12720
Berm	PSS	0.1	4806
TOTAL		0.7	31407

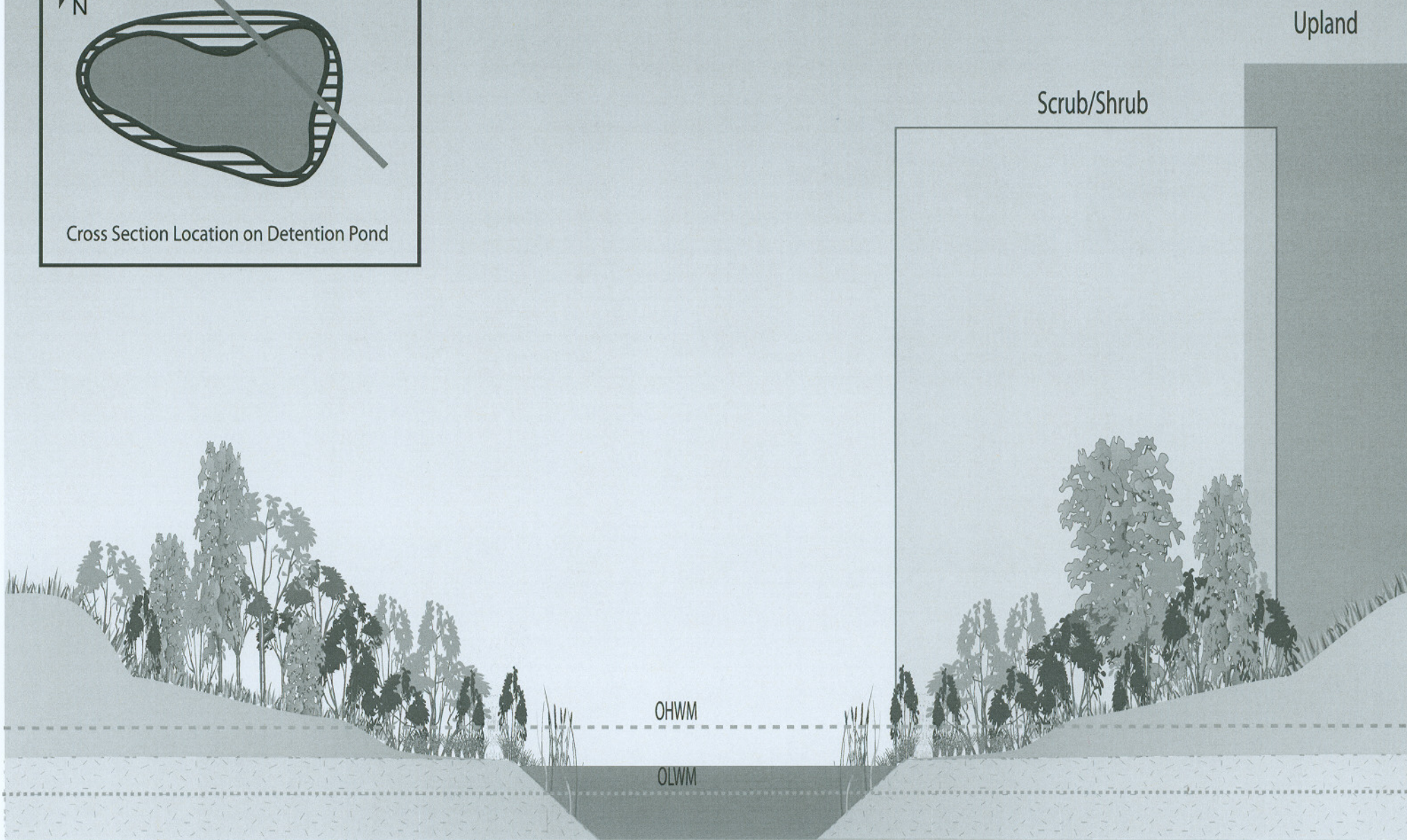
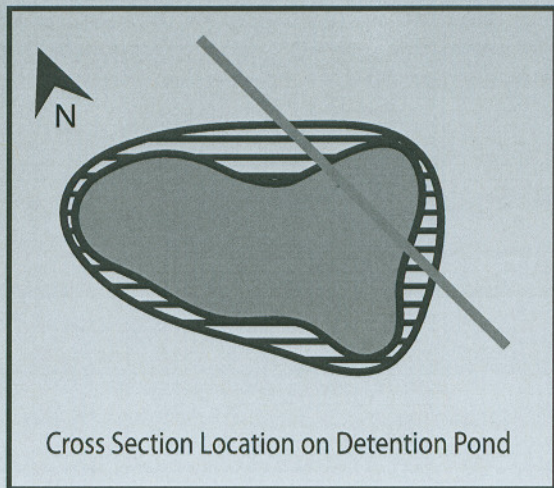


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**Harris Ranch Phase 1
 Mitigation Site A**

**Mitigation
 Site Plan**

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 Location: Boise, Ada County, ID
 Sheet: 4 of 7
 Date: 4/21/08

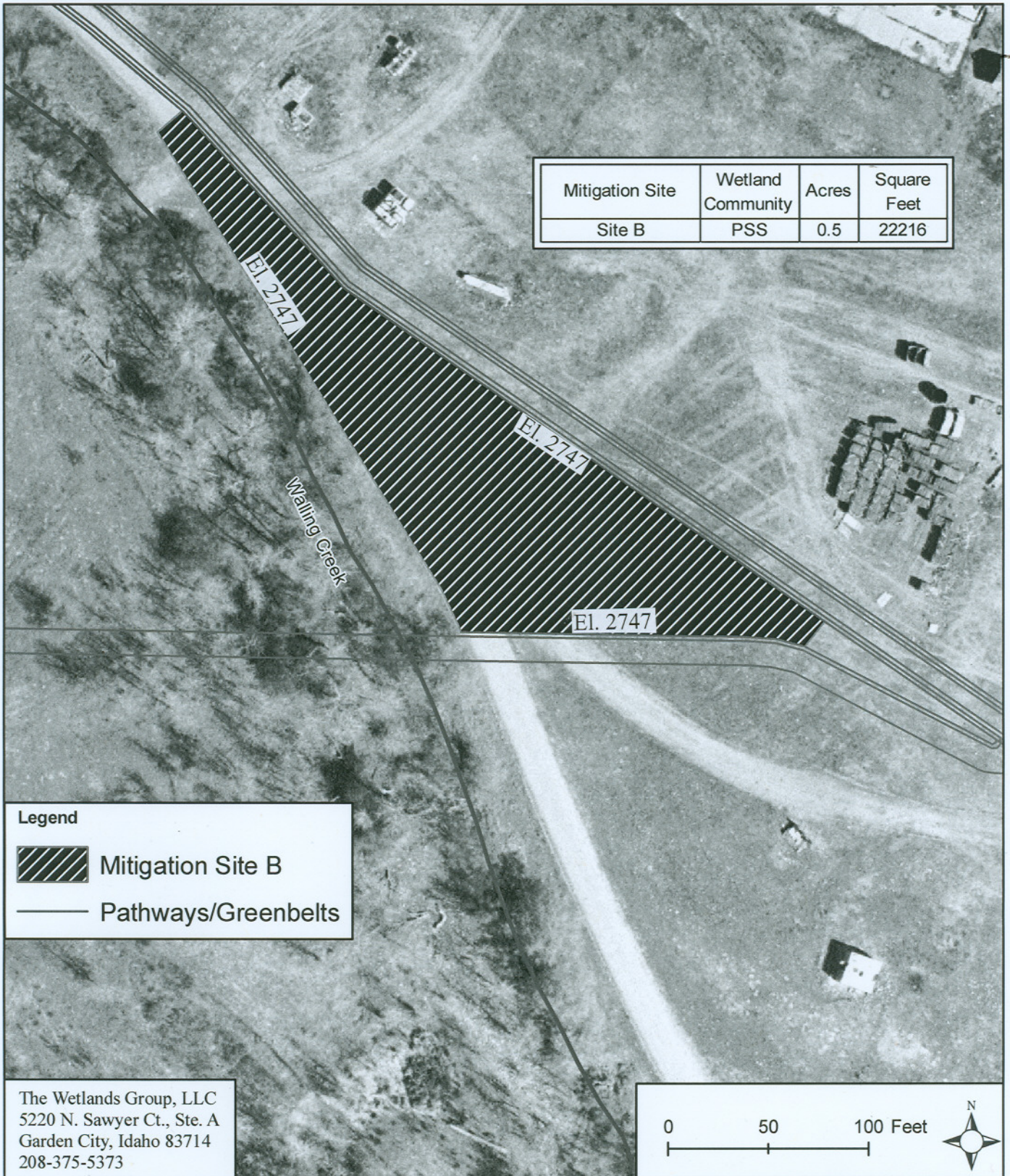


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Mitigation Site A: Typical Cross Section

File No: NWW2008-141B01
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Waterway: Boise River
Location: Boise, Ada County, Idaho
Sheet: 5 of 7
Date: 4-21-08

Mitigation Site	Wetland Community	Acres	Square Feet
Site B	PSS	0.5	22216

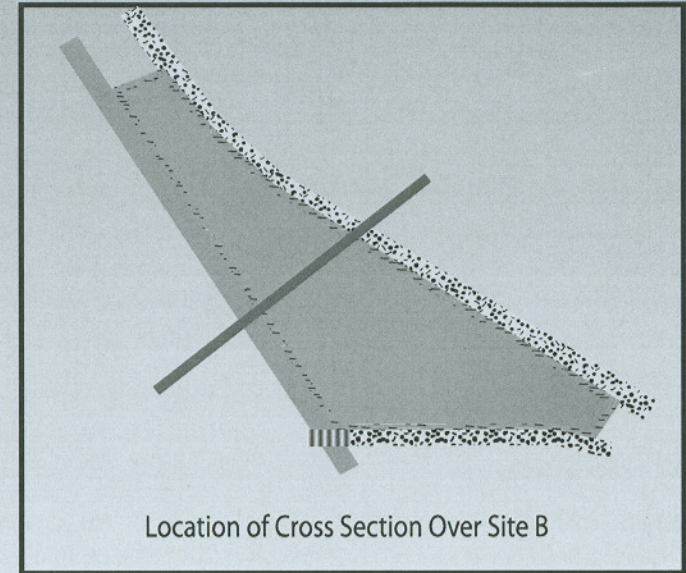


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Harris Ranch Phase 1
 Mitigation Site B

Mitigation
 Site Plan

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 Sheet: 6 of 7
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Mitigation Site B: Typical Cross Section

File No: NWW2008-141B01
Applicant: Harris Family Limited Partnership, LLC
Waterway: Boise River
Location: Boise, Ada County, Idaho
Sheet: 7 of 7
Date: 4-21-08